



1 RACHEL B. COWEN (SB# 6217360) (*pro hac*)  
2 [rachel.cowen@dlapiper.com](mailto:rachel.cowen@dlapiper.com)  
3 ETHAN G. ZELIZER (SB# 6280096) (*pro hac*)  
4 [ethan.zelizer@dlapiper.com](mailto:ethan.zelizer@dlapiper.com)  
5 DLA PIPER LLP (US)  
6 203 N. LaSalle St. 18th FL  
7 Chicago, IL 60601  
8 Telephone: (312) 368-7044  
9 Facsimile: (312) 368-5844  
10 LISA PLANK  
11 [lisa.plank@dlapiper.com](mailto:lisa.plank@dlapiper.com)  
12 DLA PIPER LLP (US)  
13 2000 University Ave.  
14 East Palo Alto, CA 94303-2214  
15 Telephone: (650) 833-2000  
16 Facsimile: (650) 833-2001

Attorneys for Defendants  
17 METROPOLITAN LIFE INSURANCE  
18 COMPANY, METLIFE ENTERPRISE GENERAL  
19 INSURANCE AGENCY, INC., METLIFE  
20 SECURITIES, INC. and NAM PATEL

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN JOSE DIVISION

24 LOAY S. NASER,

25 Plaintiff,

26 vs.

27 METROPOLITAN LIFE INSURANCE  
28 COMPANY, METLIFE ENTERPRISE  
GENERAL INSURANCE AGENCY, INC.  
METLIFE SECURITIES, INC., NAM  
PATEL, an individual, and DOES 1-25

Defendants.

5:10-cv-04475 EJD  
CASE NO. 5:11-CV-04046- EJD

JOINT STIPULATION AND ~~PROPOSED~~  
ORDER TO DISMISS DEFENDANT NAM  
PATEL WITH PREJUDICE AND TO  
CONSOLIDATE THIS ACTION WITH CASE  
NUMBER 5:10-CV-04475-EJD AND FOR  
MISCELLANEOUS RELIEF

**Joint Stipulation and [Proposed] Order to Dismiss Defendant Nam Patel  
With Prejudice and to Consolidate this Action With  
Case Number 5:10-CV-04475-EJD and for Miscellaneous Relief**

The Parties -- Plaintiff Loay S. Naser ("Naser") and Defendants Metropolitan Life Insurance Company ("MetLife"), MetLife Securities, Inc., MetLife Enterprise General Insurance, and Nam Patel ("Patel") -- by and through their counsel of record, hereby stipulate as follows:

WHEREAS:

a. The Parties have held several meet and confer conferences within the past few weeks in order to efficiently resolve various procedural and substantive issues that have arisen due to having two concurrent federal lawsuits proceeding before this Court involving the same parties and attorneys.

b. The Parties agree that the following requested relief will result in the efficient adjudication of the controversies between the parties and avoid unnecessary and potentially duplicative actions, thus saving Court and Party resources and time.

NOW, THEREFORE:

1. The Parties stipulate to the dismissal of Nam Patel from this lawsuit with prejudice, with each party bearing its own costs and fees. Defendants hereby withdraw their Motion to Dismiss Nam Patel (Docket #9).

2. The Parties further stipulate to and request that this action be consolidated with Case Number 5:10-CV-04475-EJD, presently pending before Judge Edward J. Davila. Case Number 5:10-CV-04475-EJD has been pending since 2010, is between the same parties, and is based on some of the same operable facts, although this case involves several additional operable facts and legal claims.

3. The Parties finally stipulate to and request that this Court cancel its Case Management Conference currently set for September 13, 2011, at 02:00 PM, in Courtroom 5. The Case Management Conference will be unnecessary if the instant case is consolidated with Case Number 5:10-CV-00475-EJD and the consolidated action is transferred to Judge Edward J. Davila.

September 8, 2011

/s/ ETHAN G. ZELIZER  
RACHEL B. COWEN (SB# 6217360) (*pro*  
*hac*)  
[rachel.cowen@dlapiper.com](mailto:rachel.cowen@dlapiper.com)  
ETHAN G. ZELIZER (SB# 6280096) (*pro*  
*hac*)  
[ethan.zelizer@dlapiper.com](mailto:ethan.zelizer@dlapiper.com)  
DLA PIPER LLP (US)  
203 N. LaSalle St. 18th FL  
Chicago, IL 60601  
Telephone: (312) 368-7044  
Facsimile: (312) 368-5844

LISA PLANK  
Lisa.Plank@dlapiper.com  
DLA PIPER LLP (US)  
2000 University Ave.  
East Palo Alto, CA 94303-2214  
Telephone: (650) 833-2000  
Facsimile: (650) 833-2001

Attorneys for Defendants,  
METROPOLITAN LIFE INSURANCE  
COMPANY, METLIFE ENTERPRISE  
GENERAL  
INSURANCE AGENCY, INC., METLIFE  
SECURITIES, INC. and NAM PATEL

/s/ RICHARD B. GLICKMAN

**Dick Glickman**

Richard B. Glickman A Professional  
Corporation  
1 Maritime Plaza, Suite 1600  
San Francisco, CA 94111  
Tel: (415) 362-7685  
Fax: (415) 781-1034  
Cell: (925) 368-6851  
Email: [gllickmanlawcorp@yahoo.com](mailto:gllickmanlawcorp@yahoo.com)

and

**Barbara Giuffre**

WORK/ENVIRONMENT LAW GROUP  
351 California Street, Suite 700  
San Francisco, CA 94104  
Telephone: 415/981-9114  
Facsimile: 415/434-0513  
Email: [barbara@igc.org](mailto:barbara@igc.org)

Attorneys for Plaintiff, LOAY NASER

**~~[PROPOSED]~~ ORDER**

Upon the Parties' Joint Stipulation above and good cause appearing, it is  
**HEREBY ORDERED THAT:**

(1) Defendant Nam Patel is dismissed from this lawsuit with prejudice, with each party bearing its own costs and fees. The clerk shall terminate Docket Item No. 9.

(2) This case is hereby consolidated with Case Number 5:10-CV-04475-EJD, pending before Judge Edward J. Davila such that 5:10-cv-4475 EJD is the lead case. Since the later action is subsumed by the earlier, the Clerk shall administratively close 5:11-cv-04046 EJD. On or before December 20, 2011, Plaintiff shall file an Amended Complaint in light of the consolidation. Defendants shall file an answer or otherwise respond no later than 21 days from the filing of the Amended Complaint. The court will imminently issue a separate order addressing further scheduling issues. A copy of this Stipulation and Order shall be filed in both cases.

The Preliminary Pretrial

Conference scheduled for  
12/9/2011 is VACATED.

  
EDWARD J. DAVILA  
United States District Judge

**JOINT STIPULATION AND  
~~[PROPOSED]~~ ORDER**